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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Bacus, et al.
 ASSIGNEE: CELL SIGNALING TECHNOLOGY, INC.
 SERIAL NUMBER: 10/735,118 EXAMINER: Ungar, Susan
 FILING DATE: December 11, 2003 ART UNIT: 1642
 FOR: METHOD FOR PREDICTING RESPONSE TO HER-2 DIRECTED THERAPY

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I hereby certify that this correspondence, and any documents referred to as attached hereto, is/are being transmitted to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, Central facsimile number: (571) 273-8300 on this 23rd of February 2008.


 Lisa M. Pappalardo

Commissioner for Patents
 P.O. Box 1450
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**SECOND PRELIMINARY AMENDMENT AND
 RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Restriction Requirement mailed August 23, 2007 ("Restriction Requirement") in connection with the above-identified patent application ("Application"), Applicants make the following preliminary amendments and comments. The period for this response has been extended to February 25, 2008 by the accompanying Petition for a Five Month Extension of Time and payment of fee.

Amendments to the Claims are reflected in the complete listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

Conclusion begins on page 13 of this paper.